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105. In conclusion, in order to combat the wave of violence and to ensure respect for the human rights and fundamental freedoms of all its citizens, Colombia had reformed and strengthened its democratic institutional infrastructure and introduced new institutions. Civil society must also play its part in the struggle by supporting those institutions.

106. Mr. BROTODININGRAT (Observer for Indonesia), noting that several speakers had made flagrantly exaggerated allegations regarding the Dili incident of 12 November 1991 said that, during the ensuing 10 months, most of the facts had been clarified and decisive legal actions had been taken to uphold justice. References had been made to the statement made by the Chairman of the Commission on Human Rights on the issue which, as a package, had been agreed by consensus. Accusations had also been made implying that Indonesia had failed to honour the consensus or had even shown a lack of good faith.

107. An important element underlying the spirit of the Chairman's statement had been the clear recognition by the Commission on Human Rights that what had happened in Dili had been an incident and not a massacre, as some speakers had stubbornly claimed. The incident had had nothing to do with the policy of the Indonesian Government nor did it reflect deliberate action on the part of the military authority in East Timor.

108. The Commission on Human Rights had welcomed the early actions taken by the Indonesian Government in setting up a national commission of inquiry, in its prompt response in taking disciplinary measures against the responsible military personnel and in initiating military court proceedings as well as in the arrangement made independently between the Indonesian Government and the Secretary-General of the United Nations on the mission of his personal envoy, Mr. Amos Wacko. The Chairman's statement had also expressed the hope that, as announced by the Indonesian Government, further investigation into the fate of those unaccounted for would clarify the remaining discrepancies on the number of people killed and those missing. In that connection, the Chief of the Armed Forces had reported to the President on 14 July 1992 that the total number of those missing was 115; of those, 31 had returned home and 18 had been found dead with the location of their graves known. Of the remaining 66 persons, it was believed that a number had escaped to the jungle; the military authorities were continuing to investigate the cases of those still missing. His delegation was ready to share any new information which came to light.

109. Referring to the part of the statement which called upon the Indonesian authorities to ensure that those civilians brought to trial were assured of proper legal representation and a fair trial and that those not involved in violent activities would be released without delay, he wished to say that, out of the 308 persons who had been questioned in Dili after the incident, 300 had subsequently been released, leaving only 8 in detention. Among the 70 persons who had been questioned in Jakarta, 66 had been released, leaving only 4 remaining in detention. Those put on trial had been proved to have been involved in violent activities. Gregorio da Cunha Saldhana, Francisco Miranda Branco and Carlos dos Santos Lemos had been the master-minds behind the violence and had been found guilty of acts against the security of the State,

in violation of Law No. 5 of 1969. In testimony before the trial, Joao Freitas da Camara had even confessed that he had received foreign assistance to fund the demonstration. Other defendants had admitted their guilt and had applied for clemency. The trials had been conducted in accordance with existing laws, had been open to the public and had been attended by foreign observers. He assured the Sub-Commission that that fair treatment and correct legal proceedings would have been followed in any case, even without a statement from the Chairman of the Commission on Human Rights.

110. The military personnel accused of misconduct during the incident had been brought before the military tribunal, had been found guilty of insubordination and had been sentenced to jail. In reply to allegations that the sentences of the military personnel had been too lenient as compared to those of civilians, he assured the Sub-Commission that the trials of both the civilians and military personnel had been carried out in strict accordance with the respective applicable laws. If the crimes committed had been the same, the military pesonnel would certainly have received heavier sentences. It would be misleading to judge cases merely by comparing the degree of sentences given to the civilians and military personnel, without due regard to the fundamentally different nature of the offences committed. The Indonesian authorities were determined that their legal system should be free from politics, extraneous pressures and the process of trial by the media.

111. In conclusion, he would like to say that the situation in East Timor had improved greatly; its people had more or less recovered from the trauma of the incident and had participated actively in the nation-wide general elections held on 9 June 1992. His delegation would greatly appreciate it if the Sub-Commission would adopt a helpful attitude in order to ensure that the newly healed wound in East Timor did not reopen.

The meeting rose at 6.05 p.m.